

From: Bob Baiocchi [mailto:rbaiocchi@gotsky.com]
Sent: Friday, July 23, 2010 9:10 AM
To: commentletters@waterboards.ca.gov
Cc: Phillip Crader; Diane Riddle; Rogers, Pat@DeltaCouncil
Subject: Comment Letter (Filing) - Draft Delta Flow Criteria Report - California Fisheries and Water Unlimited

State of California

Before the California State Water Resources Control Board

In the Matter of Draft Delta Flow Criteria Report Prepared by the California State Water Resources Control Board

Sacramento River Watershed; San Joaquin River Watershed; Bay Delta Estuary and all tributaries to the Bay Delta Estuary

Comments Letter (Filing) Regarding the Draft Delta Flow Criteria by the California Fisheries and Water Unlimited to the State Water Board et al

The following are the formal comments of the California Fisheries and Water Unlimited regarding the Draft Delta Flow Criteria Report:

- 1. I missed the fast track public meeting regarding this matter. I did not get any notification of the meeting from the Board for the records. I have briefly read and evaluate the contents of the draft Delta Flow Criteria Report. The time given to the public to read the report and evaluate the information and recommendations are limited. The limitation of time ordered by the Board is unreasonable and not in the public interest because of the controversial issues with the mismanagement of the Bay Delta Estuary by the State Water Board and its staff.**
- 2. For the record, the California Fisheries and Water Unlimited has filed numerous administrative filings with the Board and its staff to obtain relief and mitigation for the losses of endangered Chinook salmon and threatened steelhead at the State Pumps in the Bay Delta Estuary. The actions were in vain because of the in-house politics of the Board and its staff. i.e. water transfers et al. I reference the Division of Water Rights files.**
- 3. The Board could have dealt with and prevented the many issues concerning the protection of the Bay Delta Estuary and the anadromous fisheries years ago by balancing all beneficial uses. The Board and its staff failed balancing all beneficial uses of the people's water because of in-house and outside politics. Consequently the potential restoration of the Bay Delta Estuary in these proceedings is costing the taxpayers of California a significant amount of money to manage and regulate the Bay Delta Estuary. I reference all water right permits and license issued by the Board and its staff that affected the environmental and fisheries needs of the Bay Delta Estuary et al.**
- 4. I do not believe the current members of the Board can make honest decisions to manage and regulate the Bay Delta Estuary because of bias and politics by the**

members that have clearly opposed ordering water for the people's endangered and threatened salmon and steelhead fisheries adversely affected by the Board and its staff decisions. I reference all of the filings with the Board and its staff by California Salmon and Steelhead Association under my name, the Anglers Committee under my name, and the California Fisheries and Water Unlimited, presently under my name. I also reference all water right permits and license that fail to have terms and conditions to protection the Bay Delta Estuary and California Central Valley anadromous fisheries, which are numerous.

5. The Draft Delta Flow Criteria Report failed to include threatened California Central Valley steelhead requirements into the report. California Central Valley steelhead is an important Sportfishing fishery that supports the economy of California. California Central Valley steelhead is also listed for protection under the federal and state Endangered Species Act. Amend the report and include threatened California Central Valley steelhead requirements into the report.
6. The Draft Delta Flow Criteria Report failed to include DeFacto endangered Bay Delta Estuary striped bass requirements into the report. Striped bass were the most popular Sportfishing fishery in the Bay Delta Estuary. Sportfishing for striped bass was a significant economy benefit in the greater Bay Delta Estuary area. i.e. Jobs; Bait Shops; Party Boats; Boat Rentals; Food Supply Stores, California Fishing Licenses et al. Amend the report and include De Facto Bay Delta Estuary striped bass requirements into the report.
7. The report did not have disclosed and evaluate the historic benefits to the economy of California that salmon and steelhead provided. The commercial salmon fishermen contributed significantly to the food source of the people of California and the economy of California before the State Water Board took the water away from the salmon and steelhead and gave the water to farming interests. Clearly people would rather eat fish than alfalfa and nuts. During the 1930s, 1940, and 1950's when the salmon runs were excellent, there was a significant party boat Sportfishing fishing fleet that operated out of San Francisco and other California coastal areas that contributed significantly to the economy of California. In addition, sport fishing for steelhead also contributed significant to the economy of California. In addition, and most importantly, striped bass sport fishing contributed significantly to the economy of California with party boats operating out of San Francisco and the Bay Delta Estuary. I was a witness to the above including fishermen my age (79). Unfortunately those benefits came crashing down because of political decisions by the Board. Unfortunately the Board member and its staff do not have the historic memory to consider the above benefits in the Draft report. Amend the report and provide the historic economy benefits to the economy of California as shown above because California is going broke.
8. There are several more steps to correcting the governmental problems that have adversely affected the Bay Delta Estuary. There must be a draft and final CEQA document prepared with full public participation that discloses, evaluates, mitigates, and monitoring all recommendations (when implemented) in the report to fix the broken Bay Delta Estuary and California endangered and threatened fisheries. The CEQA document should have all of the supporting information regarding all the recommendations in the report and potential recommendations that were omitted.

9. Without a doubt, water right permit and licenses must be amended by the Board and re-conditioned when the final recommendations for the Bay Delta Estuary are decided so that the present water uses no longer adversely affect the endangered salmon and the threatened steelhead species and the environment of the Bay Delta Estuary.
10. I will review the Draft Delta Flow Criteria Report in conjunction with the CEQA document and then render formal comments on the recommendations in the report. I say this because there is a lot of specific mitigation measures either over looked or under evaluated in the recommendations of the report.
11. Most importantly, in my opinion, the state and federal pumps in the Bay Delta Estuary must be shut down during the downstream migration period of juvenile fish in conjunction with migration outflow to the Pacific Ocean so that a significant number of juvenile endangered salmon and threatened steelhead are no longer entrained and lost at the state and federal pumps.

Thank you for the opportunity to express my comments to the Board and its staff. Please place my comments into the records for this process.

Respectfully Submitted

Robert J. Baiocchi, President

Signed by Robert J. Baiocchi

California Fisheries and Water Unlimited
California Non-Profit Corporation
E-Mail Address: rbaiocchi@gotsky.com

Certificate of Service

Ms. Jeanine Township, Clerk to the State Water Board
Mr. Phil Crader, Staff, Delta Flow Report Staff
Ms. Diane Riddle, Environmental Scientist, State Water Board
Pat Rodgers, Delta Stewardship Council
Interested Parties (bcc)